

**2001-2002 Environmental Quality Council
Draft Work Plan**

APPENDICES

May 15, 2001

Table of Contents

Coal Bed Methane

HJR 27 **Appendix 1**

Forest Fuel - Air Quality Management

HJR 21 **Appendix 2**

DNRC Fire Mangement Program Funding

HJR 42 **Appendix 3**

Appendix 1



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE ENVIRONMENTAL QUALITY COUNCIL PROVIDE OVERSIGHT FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT REGARDING THE PROPOSED DEVELOPMENT OF COAL-BED NATURAL GAS RESOURCES IN MONTANA AND PROVIDE FINDINGS TO THE LEGISLATURE.

WHEREAS, the need for an economical supply of clean burning energy is a national and state priority, Montana possesses reserves of clean-burning coal-bed natural gas, and the timely development of those resources is important; and

WHEREAS, it is the policy of this state to promote efforts that will minimize damage to the human environment, prevent unreasonable depletion and degradation of natural resources, maintain and improve a clean and healthful environment, and protect the right to use and enjoy private property; and

WHEREAS, with the enactment of the Montana Environmental Policy Act (MEPA), the Legislature intends that state agencies consider the consequences of agency actions prior to acting and to consider those consequences in a thorough, yet efficient, manner; and

WHEREAS, the state has determined that prior to authorizing further development of Montana coal-bed natural gas, a comprehensive environmental impact statement (EIS) addressing the impacts of the development must be completed by the Department of Environmental Quality and the Board of Oil and Gas Conservation in cooperation with other state and federal agencies; and

WHEREAS, the Environmental Quality Council has longstanding and statutorily required involvement in MEPA issues and has demonstrated strong bipartisan expertise in analyzing and reviewing MEPA implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

- (1) That the Environmental Quality Council (EQC) be requested to provide oversight for the state's

preparation or involvement in the preparation of the coal-bed natural gas development EIS as required by MEPA.

(2) That staff from the Department of Environmental Quality and the Board of Oil and Gas Conservation be requested to provide status reports on the progress and preparation of the coal-bed natural gas development EIS to the EQC on at least a quarterly basis until the EIS is complete.

(3) That the EQC serve as a forum for members of the public to present any concerns regarding the timing and cost-effectiveness of the coal-bed natural gas development EIS.

BE IT FURTHER RESOLVED, that all aspects of the oversight functions, including presentation, conclusions and reporting, be concluded prior to September 15, 2002.

BE IT FURTHER RESOLVED, that the EQC prepare a brief report of its findings and conclusions concerning the coal-bed natural gas MEPA process and present the report, including any findings, conclusions, comments, or recommendations of the EQC, to the Governor and to the 58th Legislature.

- END -

Appendix 2



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A COLLABORATIVE PROCESS STUDY TO ADDRESS ISSUES REGARDING THE NEED TO BALANCE THE NECESSARY MANAGEMENT OF FOREST FUELS WITH THE AIR QUALITY CONCERNS RESULTING FROM PRESCRIBED WILDLAND OPEN BURNING AND TO PROVIDE SOLUTIONS TO THE 58TH LEGISLATURE.

WHEREAS, the constitutional right to a clean and healthful environment includes being free from unreasonable degradation having a significant impact on the environment, and this right is anticipatory and interpreted in conjunction with Article II, section 3, of the Montana Constitution, Article IX, section 1, of the Montana Constitution, and the preamble of the Montana Constitution; and

WHEREAS, the year 2000 drought and fire season resulted in catastrophic wildfires that consumed over 1 million acres of private, state, tribal, and federal lands and resulted in significant impacts on air quality and other aspects of the physical and human environment; and

WHEREAS, given the requisite climatic circumstances, all forests and wildlands will eventually burn, and the severity of those burns and the impacts on the physical and human environment are directly dependent on the amount of fuel buildup within those forest and wildland environments; and

WHEREAS, the reduction of fuel loading in forests and wildlands, particularly those within urban-rural interface areas, on a planned and incremental basis can reduce the potential for catastrophic wildfires and the unavoidable significant impacts to air quality that result; and

WHEREAS, prescribed wildland open burning is a necessary and valuable tool for managing the buildup of forest fuels; and

WHEREAS, government restrictions on the use of open burning to manage air quality may inadvertently contribute to the buildup of forest and wildland fuels, which may result in catastrophic wildfire events and the uncontrolled significant degradation to air quality and other serious impacts on the physical and human environment.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to conduct a study that addresses the issues regarding the need to reduce forest and wildland fuel loading through a more flexible open burning policy when fire danger is at an acceptable level.

(2) That the study be conducted through a collaborative process that includes participants from the forest industry, the Legislature, and other appropriate state and federal agencies.

(3) That the study include but not be limited to an analysis of the following issues:

(a) evaluating when the limited degradation of air quality from prescribed wildland open burning may be preferred and permitted in order to minimize the buildup of forest and wildland fuels and the potential for catastrophic fires and the resulting significant environmental impacts;

(b) analyzing when the limited degradation of air quality may be authorized if there are no economically, environmentally, or technologically feasible alternatives available that would result in no degradation;

(c) evaluating when important long-term social or economic benefits of forest fuel reduction and management projects exceed the short-term limited degradation of air quality;

(d) determining whether there are discriminatory practices in the authorization of prescribed wildland open burning between private, state, and federal landowners; and

(e) determining whether prescribed open burning exemptions can be made for certain agricultural and private property fuel management burns.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2002.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, recommendations of the appropriate committee, legislative proposals, and recommendations for administrative rules, be reported to the 58th Legislature.

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Appendix 3



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE COUNCIL DESIGNATE AN APPROPRIATE INTERIM COMMITTEE OR DIRECT SUFFICIENT STAFF RESOURCES TO STUDY ALTERNATIVES FOR FUNDING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION'S OVERALL FIRE MANAGEMENT PROGRAM, INCLUDING THE COSTS RELATED TO WILDFIRE SUPPRESSION.

WHEREAS, the population of Montana is increasing, and this increased population is beginning to inhabit areas that have historically been wildlands; and

WHEREAS, the costs associated with fire suppression and fire control increase dramatically when firefighters must protect homes and other structures; and

WHEREAS, the state currently relies on the Department of Natural Resources and Conservation's normal general appropriations act funding and general fund money through a supplemental appropriation to pay for the costs associated with fire suppression; and

WHEREAS, it appears the state will continue to incur large expenses as a result of fire suppression; and

WHEREAS, the state does not have a funding system established, other than through a supplemental appropriation, to address the costs of fire suppression; and

WHEREAS, the Department of Natural Resources and Conservation has recently received the final report from a private contractor who independently analyzed the Department's fire management program and identified inequities in how the program is currently funded.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the current statutes that establish and define the Department of Natural Resources and Conservation's fire management program and source

of funding and recommend alternatives for funding:

- (1) the Department's overall fire management program, including both the direct protection program and the county assistance program; and
- (2) the costs for fire suppression under both the direct protection program and the county assistance program.

BE IT FURTHER RESOLVED, that if this study or the study requested by House Joint Resolution No. 21 is assigned by the Legislative Council, then both studies should be incorporated together and conducted jointly.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2002.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 58th Legislature.

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